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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,792	12/01/2003	Stewart A. Levesque	97895.00119	1906

7590 08/10/2004

McCARTER & ENGLISH, LLP
Attn: Anita Lomartra
CityPlace I
185 Asylum Street
Hartford, CT 06103

EXAMINER

NINO, ADOLFO

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,792

Applicant(s)

LEVESQUE ET AL.

Examiner

Adolfo Nino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 12-15 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 21-27 is/are allowed.
- 6) ☒ Claim(s) 16-19 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/11/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-11; 16-20 and 21-27, drawn to a cable management system including a cable guide; a cable guide; and a method for mounting a cable guide, respectively, classified in class 174, subclass 100.
- II. Claims 12-15, drawn to a U-shaped wire cage, classified in class 248, subclass 49.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the wire cage of the combination does not require all of the particulars as claimed in claims 12-15. The subcombination has separate utility such as a conduit for cables in a ceiling (i.e. cable way) and not attached to a rack.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Basam Nabulsi on August 5, 2004 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-11 and 16-27. Affirmation of this election must be made by applicant in replying to this Office action. Claims 12-15 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Specification

The disclosure is objected to because of the following informalities:

Page 12, line 21, please fill in blank space.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Viklund et al. (US 5,806,811).

Regarding claim 16, Viklund et al. disclose a cable guide (10) comprising: an elongated member (12); a plurality of projection arms (16) extending from said elongated member (fig. 1); and at least one L-shaped latching member (60 in fig. 6) extending from said elongated member.

Regarding claim 17, Viklund et al. disclose the cable guide according to claim 16, wherein said elongated member (60) includes a plurality of alignment channels (not marked, but clearly seen in fig. 6) formed therein (fig. 6).

Regarding claim 19, Viklund et al. disclose the cable guide according to claim 16, wherein said at least one L-shaped latching member comprises two spaced apart L-shaped latching members (not marked, but clearly seen in fig. 6) so as to define a symmetric assembly (fig. 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Viklund et al. (US 5,806,811) in view of Krietzman et al. (US 6,489,565 B1). Viklund et al. disclose the cable guide according to claim 16, wherein said plurality of projection arms are spaced apart **except for** being spaced apart by a distance equal to one rack mounting unit. Krietzman et al. teach that it is known to have a plurality of projection arms spaced apart by a distance equal to one rack mounting unit as set forth at column 3, lines 5-9. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the projection arms of Viklund et al. be spaced apart by a distance equal to one rack mounting unit, as taught by Krietzman et al. in order to align cables from equipment mounted to the cable guide.

Allowable Subject Matter

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Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: With respect to claim 20, the cited prior art does not disclose, teach or suggest a cable guide wherein an at least one L-shaped latching member includes: an alignment channel; a latching finger structure; and at least one cut-out region to facilitate flexure of the L-shaped latching member during engagement with an ancillary wire element.

Claims 1-11 and 21-27 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to claims 1-11, the cited prior art does not disclose, teach or suggest a cable management system comprising a wire cage assembly and at least one cable guide mounted with respect to said wire cage assembly, wherein said at least one cable guide includes at least one L-shaped latching member extending from an elongated member and being configured and dimensioned to latch with respect to a wire member associated with a back wall of said wire cage assembly.

With respect to claims 21-27, the cited prior art does not disclose, teach or suggest a method for mounting a cable guide to a wire cage assembly, comprising: providing a wire cage assembly; providing a cable guide that includes at least one L-shaped latching member extending from said elongated member; and rotating said cable guide relative to said wire cage assembly such that a latching element associated

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with said L-shaped latching member latches with said at least one vertical wire of a back wall of said wire cage assembly.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Simon (US 5,531,410) discloses a cable way. Kim et al. (US 6,677,520 B1) disclose a fanning tray. Standish et al. (US 6,600,106 B2) disclose a cable management bar and patch panel. Lima et al. (US 6,590,785 B1) disclose a cable management. Theis et al. (US 6,380,484 B1) disclose cable routing duct. Larsen et al. (US 6,365,834 B1) disclose a cable management rack. Baker et al. (US 6,242,698 B1) disclose interchangeable adapter face plates. Mendoza (US 6,708,830 B2) discloses a vertical cable management ring. Follingstad et al. (US 6,468,112 B1) disclose a vertical cable management system.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adolfo Nino whose telephone number is (571) 272-1981. The examiner can normally be reached on M-F (7:30-5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on (571) 272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AN

 8/9/04
DEAN A. REICHARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800